

# **EXHIBIT 2**

**Jeff Freimund**

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**From:** Guy Bogdanovich [gbogdanovich@lldkb.com]  
**Sent:** Tuesday, December 11, 2012 5:43 PM  
**To:** Kathleen Zellner  
**Cc:** Jeff Freimund; 'Fetterly, Patricia (ATG)'  
**Subject:** RE: Spencer et al v. Peters et al - Order Granting FRCP 35 Examination

Counsel: Dr. Klein has made arrangements to travel to Seattle for the Court ordered examination and testing of Mr. Spencer on Friday, December 21, beginning at 9 a.m. We have reserved The Columbia Room on the 20<sup>th</sup> floor of the Seattle AG Office, 800 5<sup>th</sup> Ave, Seattle. It is the intention of defendants and Dr. Klein to abide by all rules stated in items 1-5 in the [Proposed] Order Granting Defendants' Motion for Fed.R.Civ.P. 35 Examination which was filed with the Motion. Please send a reply confirming these arrangements, and the agreement of plaintiff and plaintiff's counsel to also abide by these rules.

Thank you. Guy

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**From:** Guy Bogdanovich  
**Sent:** Tuesday, December 11, 2012 12:50 PM  
**To:** 'Kathleen Zellner'  
**Cc:** 'Jeff Freimund'; 'Fetterly, Patricia (ATG)'  
**Subject:** RE: Spencer et al v. Peters et al - Order Granting FRCP 35 Examination

Counsel: Thank you for the reply. I'm waiting to hear back on a few details and will hopefully be able to send you more information later this afternoon confirming arrangements for December 21<sup>st</sup>. I am leaving to argue a motion at 1:30 PST, but should be back before 5 to follow up.

Guy

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**From:** Kathleen Zellner [mailto:kz1234@aol.com]  
**Sent:** Monday, December 10, 2012 6:47 PM  
**To:** Guy Bogdanovich  
**Subject:** Re: Spencer et al v. Peters et al - Order Granting FRCP 35 Examination

Counsel,  
I just spoke with Ray Spencer and he can be available for the IME in Seattle on 12/21.  
Kathleen Zellner

Sent from my iPhone

On Dec 10, 2012, at 6:48 PM, Guy Bogdanovich <gbogdanovich@lldkb.com> wrote:

Counsel: Pending receipt of your reply, I communicated with Dr. Klein's office and was told that if tomorrow doesn't work, Dr. Klein could make himself available to conduct the exam and testing on Thursday, December 13; Monday, December 17; or, Friday, December 21, all dates could be done either in Seattle or Spokane.

Please reply as soon as possible. Thanks. Guy

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**From:** Guy Bogdanovich

**Sent:** Monday, December 10, 2012 2:11 PM

**To:** 'Kathleen Zellner'; [dhjohnson43@aol.com](mailto:dhjohnson43@aol.com); [DanDavies@dwt.com](mailto:DanDavies@dwt.com)

**Cc:** Jeff Freimund; 'Fetterly, Patricia (ATG)'

**Subject:** Spencer et al v. Peters et al - Order Granting FRCP 35 Examination

Counsel: I assume you've received the above-referenced Order. It does not itself identify a date for the exam, but our Motion had offered December 7 or 11 as available dates. Please respond with information regarding Mr. Spencer's availability for the exam tomorrow, either in Seattle or Spokane.

Thank you. Guy